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**CITY OF KELOWNA  
MEMORANDUM**

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**DATE:** April 16, 2009

**TO:** City Manager

**FROM:** Community Sustainability Division

**APPLICATION NO.** Z09-0022

**APPLICANT:** Gordon Hammond

**AT:** 1861 High Road

**OWNER(S):** Gordon and Susan Hammond

**PURPOSE:** TO REZONE THE SUBJECT PROPERTY FROM RU1 – LARGE LOT HOUSING ZONE TO RU1(S) – LARGE LOT HOUSING WITH SECONDARY SUITE ZONE TO LEGALIZE A SECONDARY SUITE LOCATED WITHIN THE SINGLE FAMILY DWELLING.

**EXISTING ZONE:** RU1 – LARGE LOT HOUSING

**PROPOSED ZONE** RU1(s) – LARGE LOT HOUSING WITH SECONDARY SUITE

**REPORT PREPARED BY:** Greg Sauer

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## **1.0 RECOMMENDATION**

THAT Rezoning Application No. Z09-0022 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Section 29, Township 26, ODYD, Plan KAP84163, located at 1861 High Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU1(s) – Large Lot Housing with Secondary Suite zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration.

## **2.0 SUMMARY**

This rezoning application seeks to rezone the subject property from the RU1 – Large Lot Housing zone to the RU1(s) – Large Lot Housing with Secondary Suite zone to legalize an existing suite within a single family dwelling.

## **3.0 BACKGROUND**

The subject property is one lot of a two lot subdivision that was executed in 2007. Access to this corner lot is provided by Lowland Street. The suite is an existing illegal suite that was investigated by Bylaw Services in January 2009.

### **3.1 The Proposal**

The existing suite is located in the basement of a single family dwelling. The suite is accessed at grade from the rear of the home and the parking provided on site exceeds requirements.

The proposal conforms to the regulations of the RU1(s) Large Lot Housing with Secondary Suite zone in Zoning Bylaw No.8000 as follows:

CRITERIA	PROPOSAL	RU1(s) ZONE REQUIREMENTS
<b>Subdivision Regulations</b>		
Lot Area	1075m <sup>2</sup>	550m <sup>2</sup>
Lot Width	24.2m	17m
Lot Depth	37.6m	30.0m
<b>Development Regulations</b>		
Site Coverage	37%	40% (50% incl. driveways/parking)
Height (existing house)	2 storeys / 7.9m	2 ½ storeys / 9.5m
Front Yard	5.5m	4.5m / 6.0m to a garage
Side Yard (West)	2.0m (*)	2.3m
Side Yard (East flanking street)	9.2m	4.5m
Rear Yard	18.6m	7.5m
Suite Floor Area	66.5m <sup>2</sup> (716 ft <sup>2</sup> ) (20%)	90m <sup>2</sup> (968ft <sup>2</sup> ) (40%)
<b>Other Regulations</b>		
Parking Stalls (#)	4 spaces	3 spaces
Private Open Space	>30m <sup>2</sup> /dwelling	30m <sup>2</sup> per unit

(\*) Existing non-conforming side yard as approved by S07-0005

### 3.2 Site Context

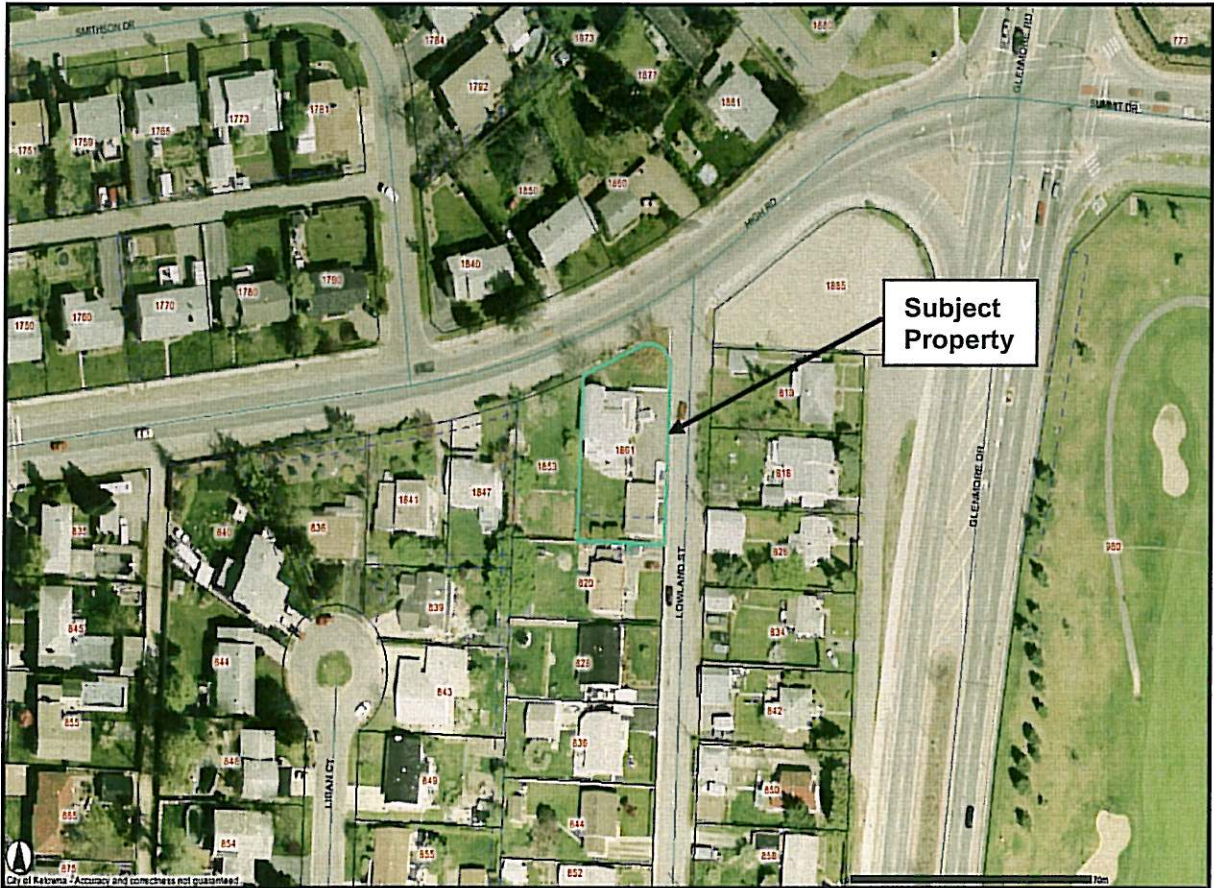
The surrounding area has been developed as a single family neighbourhood. The property is bounded and accessed by two relatively high volume roadways (High Road and Glenmore Drive). A restrictive covenant has been registered which restricts vehicular access from this parcel to High Road which necessitates access via Lowland Street on the east property edge. A 6.0m wide easement was registered against the southern portion of 1861 High Road (the subject property) at the time of subdivision to ensure that the adjacent parcel (1853 High Road) would also access their property from Lowland Street.

Specifically, adjacent land uses are as follows:

North	RU1 – Large Lot Housing (Single Family Neighbourhood)
East	RU1 – Large Lot Housing (Single Family Neighbourhood)
South	RU1 – Large Lot Housing (Single Family Neighbourhood)
West	RU1 – Large Lot Housing (Single Family Neighbourhood)

3.3 Site Location Map:

Subject Property: 1861 High Road



**4.0 CURRENT DEVELOPMENT POLICY**

4.1 Official Community Plan

The subject property is designated as Single/Two Family Residential on Generalized Future Land Use Map 19.1 which forms part of the Official Community Plan. The proposed land use (single dwelling housing with a secondary suite) is consistent with the direction of this policy document.

**5.0 TECHNICAL COMMENTS**

5.1 Development Engineering

See Attached

5.2 Building and Permitting

Building permit required for proposed suite, to meet requirements of BCBC 2006.

5.3 Fire Department

Requirements of Section 9.36, Secondary Suites, of the BCBC 2006 are to be met. Fire separations per BCBC 2006. The address for the suite and main house is to be visible from the street.

**6.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS**

Although the Land Use Management Department does not condone illegal suites, staff are supportive of owners who engage in the process of legalizing suites and bringing them up to code standards.

This rezoning is consistent with Official Community Plan policies which encourage a more compact urban form that maximizes the use of existing infrastructure, by increasing densities through development, conversion, and re-development within existing areas.



*for* Danielle Noble  
Manager, Urban Land Use

Approved for inclusion  
Shelley Gambacort  
Director, Land Use Management



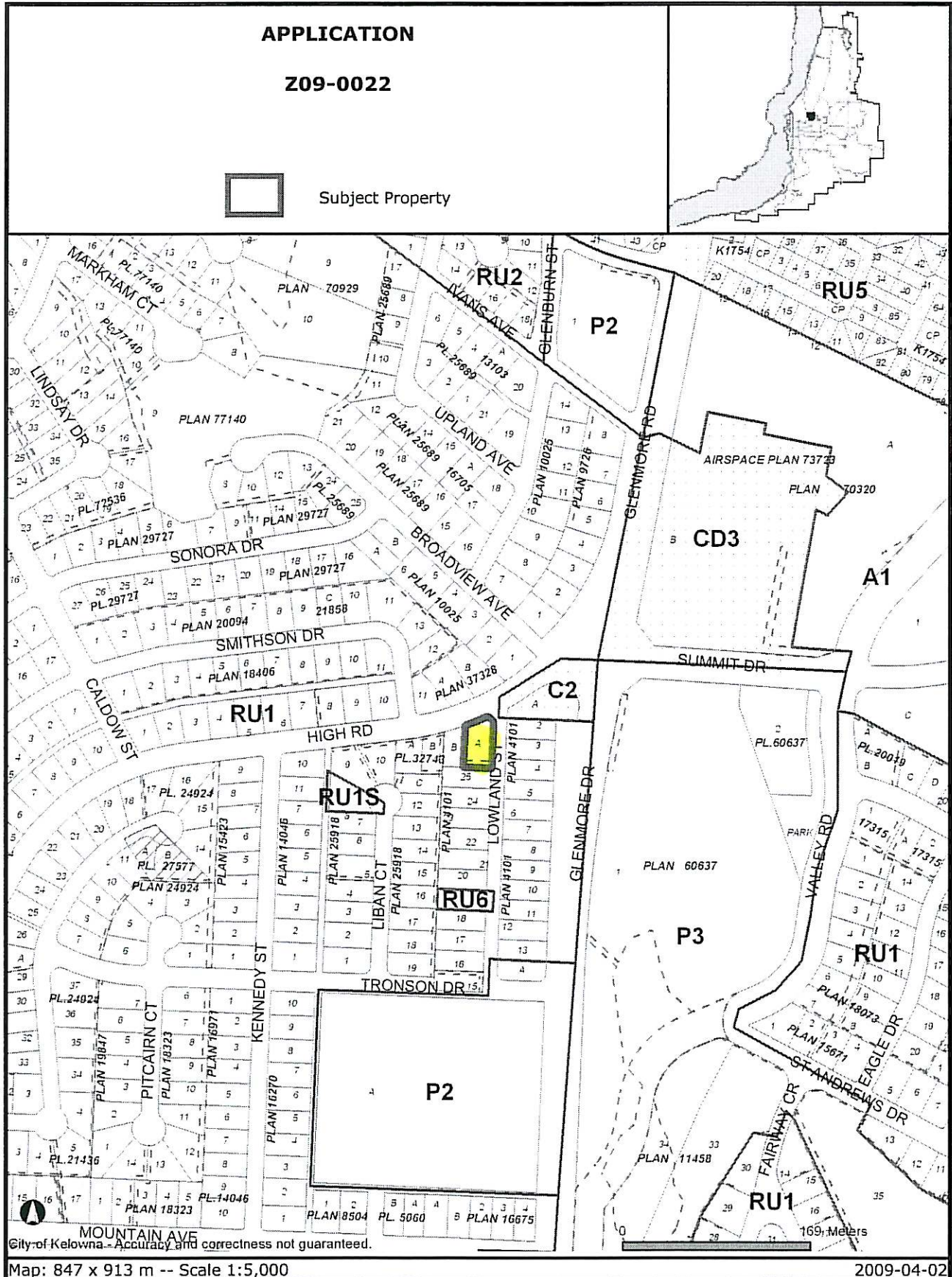
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**ATTACHMENTS**

Subject Property Map  
Site Plan  
Floor Plan (suite only)  
Elevations (photos)  
Landscape Plan  
Development Engineering Department Comments



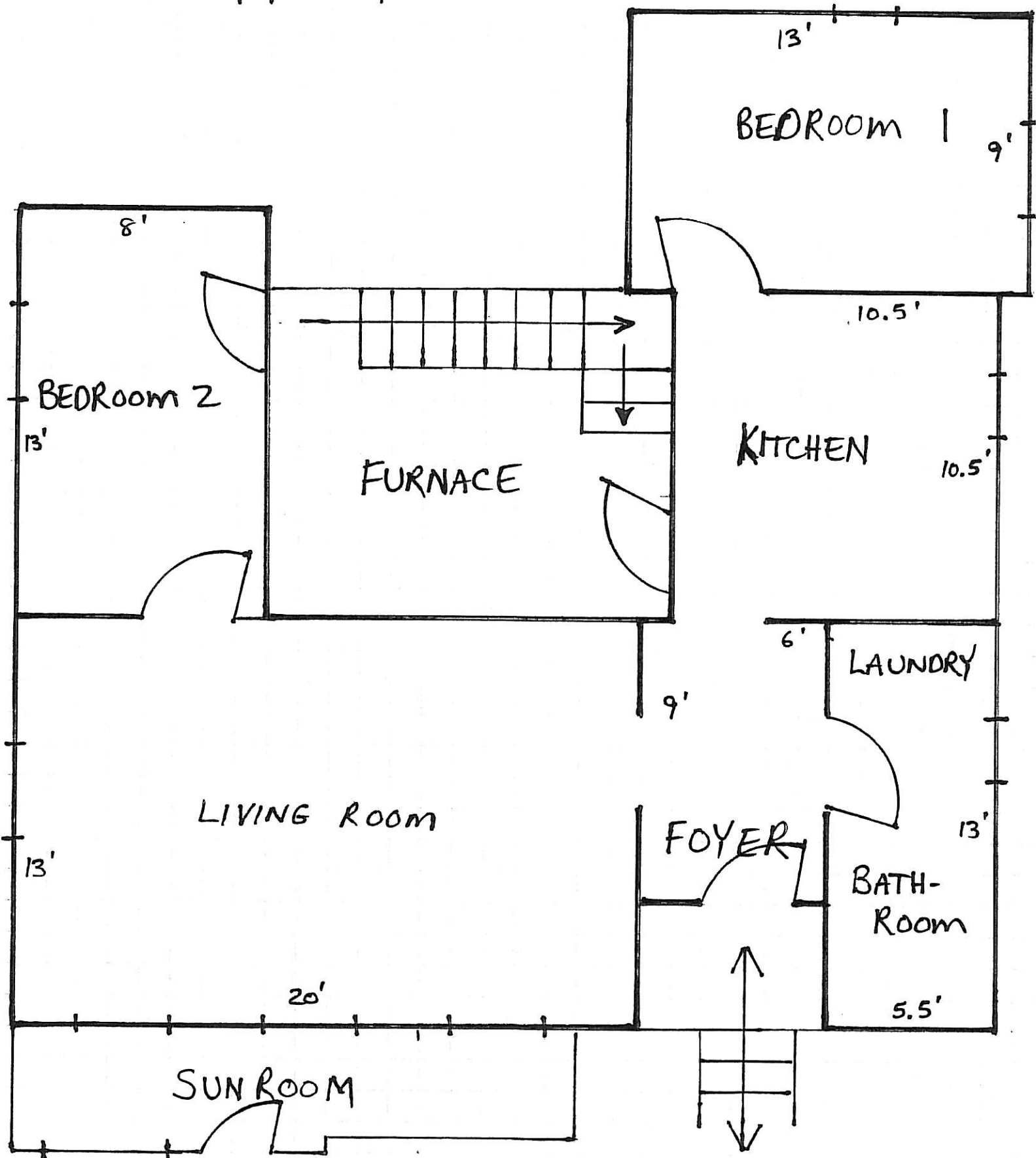




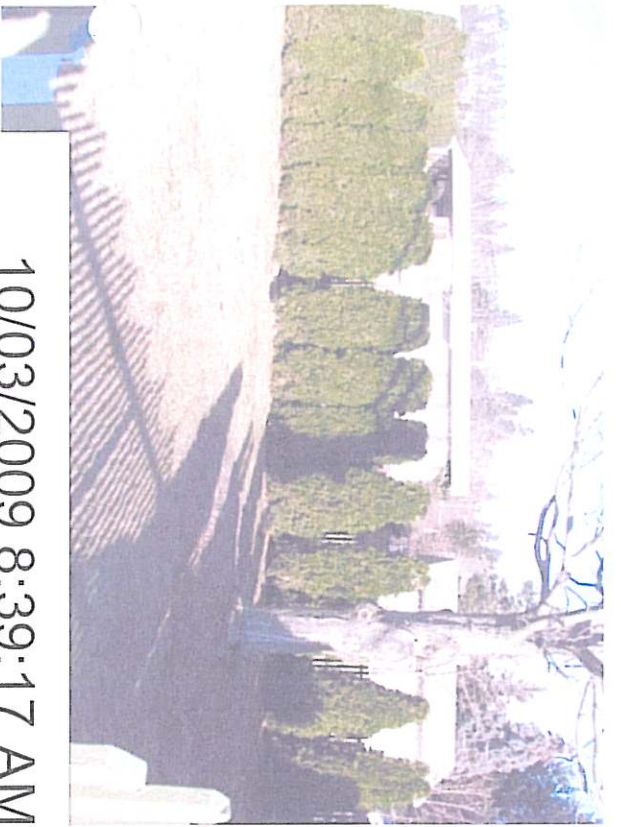
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.  
The City of Kelowna does not guarantee its accuracy. All information should be verified.

BASEMENT LEVEL - 1861 HIGH ROAD

SCALE -  $\frac{1"}{1}$  - 1 square = 1 foot







10/03/2009 8:39:17 AM

EAST



10/03/2009 8:40:10 AM

REAR



10/03/2009 8:39:55 AM

EAST



10/03/2009 8:42:08 AM



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WEST



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FRONT

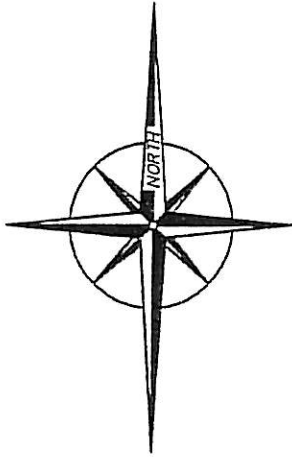


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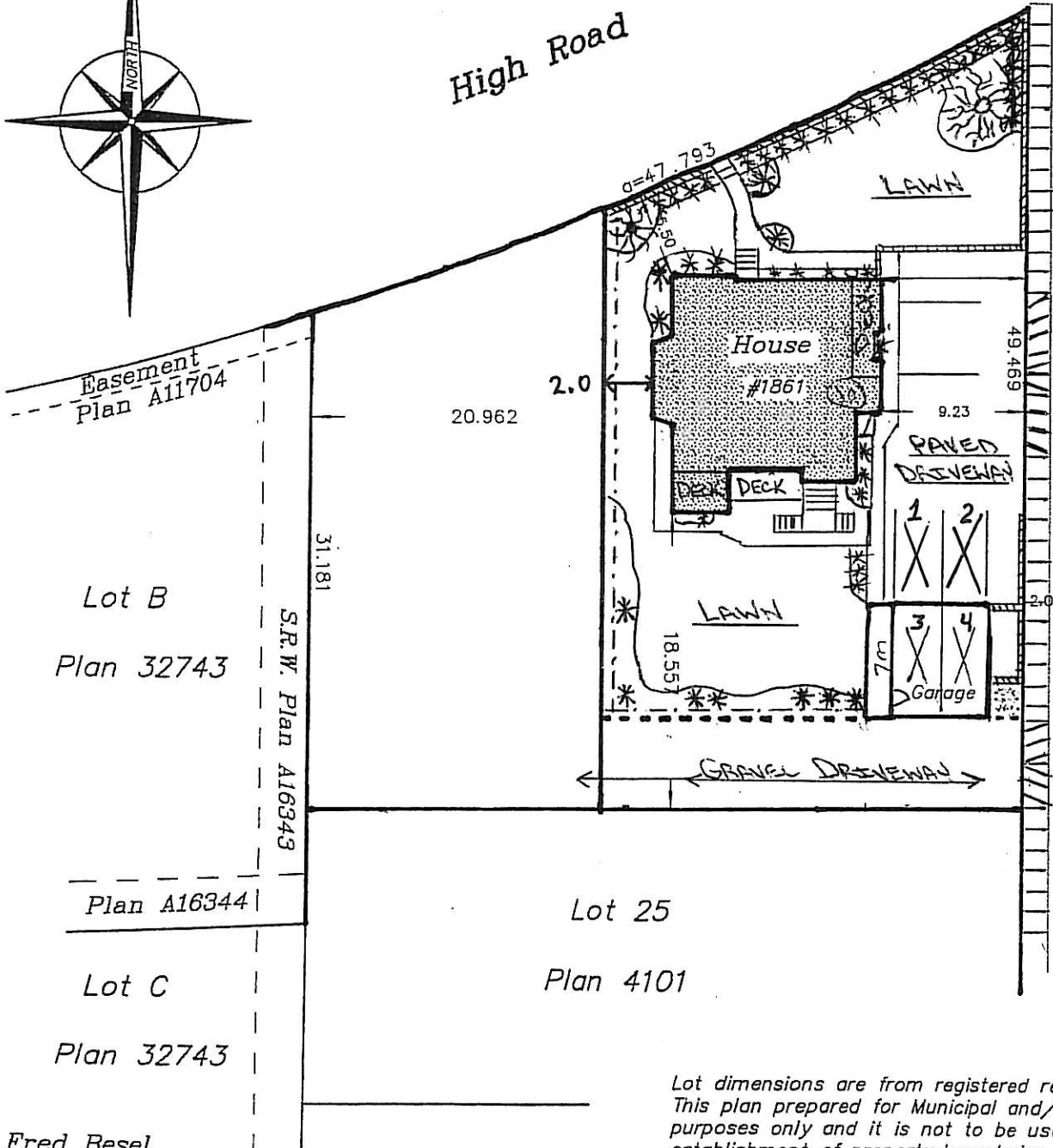
REAR



**B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION  
ON LOT 1, PLAN 17658, SEC. 29, TP. 26, O.D.Y.D.**



High Road



Lowland Street

*Lot dimensions are from registered records.  
This plan prepared for Municipal and/or mortgage  
purposes only and it is not to be used for the  
establishment of property boundaries.*

Fred Besel

Scale: 1:400 All distances are in metres.

Certified correct this 31st day of August, 2006.

**VAN GURP & COMPANY**  
land surveyors  
2006 201-1470 St. Paul Street  
Kelowna, B.C. Tel. (250) 763-5711

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originally signed and sealed.

B.C.L.S.  
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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** April 24, 2009  
**File No.:** Z09-0022

**To:** Planning & Development Services Department (GS)

**From:** Development Engineering Manager (SM)

**Subject:** 1861 High Rd.                      Lot A Plan 84163                      Suite in Existing Home

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Development Engineering Services have the following requirements associated with these rezoning and Development Permit applications.

1.     Domestic Water and Fire Protection

This property is currently serviced with a 19mm-diameter copper water service. The service will be adequate for this application. Metered water from the main residence must be extended to supply the proposed suite.

2.     Sanitary Sewer

Our records indicate that this property is adequately serviced with a 100mm-diameter sanitary sewer service complete with inspection chamber.

3.     Development Permit and Site Related Issues

On-site parking modules must meet bylaw requirements.

4.     Electric Power and Telecommunication Services

It is the applicant's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for service upgrades to these services which would be at the applicant's cost.

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Steve Muenz, P. Eng.  
Development Engineering Manager  
DC